

REMARKS

Claims 1-10 and 15-24 are present within this application. Claims 1 and 15 have been amended. Claims 11-14 and 25-28, being non-elected claims for further prosecution within this application, have been canceled for refiling in a proper divisional application.

The new limitations of Claims 1 and 15 find support at page 5, line 9 of the paragraph starting thereon, and on lines 2 and 3 of the paragraph starting on page 19 of the originally filed specification. The use of a binder compound is also disclosed throughout the application, particularly within the Examples. Thus, no new matter has been added. Entry and due consideration of such amendments are thus respectfully requested.

The Office has rejected Claims 1-10 and 15-24 under 35 U.S.C. § 102(b) as being anticipated by Sawan et al. Applicants hereby submit the affidavit of co-inventor David E. Green showing that the retention of silver through the preferred procedures of patentee does not rise to the level as now claimed. Furthermore, as the tested comparative procedures are those of patentee's preferred embodiments, there is no motivation to provide the same improvement simply through review of Sawan et al.'s teachings. As such, there is not only no anticipation over the pending claims, but no fair suggestion supplying the basis of any proper obviousness rejection thereof. Reconsideration and withdrawal of such a basis of rejection are thus earnestly solicited.

CONCLUSION

In view of the amendments, the supplied declaration, and arguments presented above, it is respectfully requested that the prior rejections over the pending claims be withdrawn and the application be passed on to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231, on May 20, 2002, along with a postcard receipt.



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MARKED-UP VERSION OF AMENDMENTS TO 09/586,381

IN THE CLAIMS:

1.(Amended) A treated substrate comprising

a finish comprising compounds selected from the group consisting of metal particle-containing compounds, metal ion-containing compounds, metal-ion generating compounds, and any combinations thereof, and

a substrate selected from the group consisting of a yarn, a fabric comprised of individual fibers, and a film;

wherein said finish is adhered to at least one portion of the surface of said substrate through the aid of at least one binder compound;

wherein said at least one portion of said treated substrate retains at least about [30%] 50% of said adhered to finish after 10 washes as performed in accordance with the wash procedure of AATCC Test Method 130-1981; and

wherein said treated substrate is electrically non-conductive; wherein if said metal is zinc, then at least one hydrophilic binder compound at least one hydrophobic binder compound are present adhering said zinc compound to said substrate; and wherein said finish exhibits antimicrobial properties.

15.(Amended) A treated substrate comprising

a non-electrically conductive treatment comprising metal-containing compounds selected from the group consisting of metal particle-containing compounds, metal ion-containing

compounds, and any combinations thereof,

and a substrate selected from the group consisting of a yarn, a fabric comprised of individual yarns, and a film;

wherein said compound or compounds is adhered to at least a portion of the surface of said substrate through the aid of at least one binder compound; and

wherein said at least a portion of the surface of said substrate exhibits a) a log kill rate for *Staphylococcus aureus* of at least 1.5 and b) a log kill rate for *Klebsiella pneumoniae* of at least 1.5, both as tested in accordance with AATCC Test Method 100-1993 for 24 hour exposure, and c) retention of at least about 50% of said adhered to finish, all after at least 10 washes, said washes performed in accordance with the wash procedure as part of AATCC Test Method 130-1981; and

wherein if said metal is zinc, then at least one hydrophilic binder compound at least one hydrophobic binder compound are present adhering said zinc compound to said substrate.